

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Gustavo Adames,

Case No. 3:08 CV 911

Petitioner,

MEMORANDUM OPINION  
AND ORDER

-vs-

Julius Wilson,

JUDGE JACK ZOUHARY

Respondent.

Petitioner filed a Petition for Writ of Habeas Corpus on April 9, 2008 (Doc. No. 1). Respondent filed a Return of Writ (Doc. No. 10), to which Petitioner replied (Doc. No. 11). The Court has reviewed the Report and Recommendation of the Magistrate Judge filed March 25, 2009 in which the Magistrate recommends denying the Petition (Doc. No. 12). Under the relevant statute (28 U.S.C. § 636(b)(1)(C) (1982)):

Within ten days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

In this case, the ten-day period has elapsed, and no objections have been filed. The failure to file written objections constitutes a waiver of a *de novo* determination by the district court of an issue covered in the report. *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005).

The Court adopts the Magistrate Judge's Report and Recommendation (Doc. No. 12) in its entirety. The Petition (Doc. No. 1) is denied. Furthermore, pursuant to 28 U.S.C. § 1915(a)(3), the Court certifies that an appeal of this decision could not be taken in good faith.

IT IS SO ORDERED.

s/ Jack Zouhary  
JACK ZOUHARY  
U. S. DISTRICT JUDGE

April 21, 2009